

COMMONWEALTH OF KENTUCKY
BEFORE THE PUBLIC SERVICE COMMISSION

In the Matter of:

THE APPLICATION OF TELEDRAFT,)	
INCORPORATED FOR A CERTIFICATE OF)	
PUBLIC CONVENIENCE AND NECESSITY)	CASE NO. 93-168
TO PROVIDE INTRASTATE)	
TELECOMMUNICATIONS SERVICES)	

O R D E R

This matter arising upon petition of Teledraft, Incorporated ("Teledraft") filed April 30, 1993 pursuant to 807 KAR 5:001, Section 7, for confidential protection of the financial information contained in Exhibit III to Teledraft's application for a Certificate of Public Convenience and Necessity on the grounds that disclosure of the information is likely to cause Teledraft competitive injury, and it appearing to this Commission as follows:

Teledraft has filed as an exhibit to its application for a Certificate of Public Convenience and Necessity a copy of its Balance Sheet as of April 19, 1993. By this petition, Teledraft seeks to protect the financial information contained in the Balance Sheet as confidential on the grounds that disclosure is likely to cause it competitive injury.

KRS 61.872(1) requires information filed with the Commission to be available for public inspection unless specifically exempted by statute. Exemptions from this requirement are provided in KRS 61.878(1). That section of the statute exempts 11 categories of information. One category exempted in subparagraph (c) of that

section is commercial information confidentially disclosed to the Commission. To qualify for that exemption, it must be established that disclosure of the information is likely to cause substantial competitive harm to the party from whom the information was obtained. To satisfy this test, the party claiming confidentiality must demonstrate actual competition and a likelihood of substantial competitive injury if the information is disclosed. Competitive injury occurs when disclosure of the information gives competitors an unfair business advantage.

Teledraft's petition neither demonstrates actual competition nor the likelihood of competitive injury if the information sought to be protected is disclosed. The petition does not identify Teledraft's competitors in the markets it proposes to serve. Further, the information sought to be protected simply provides the values and amounts of Teledraft's assets, liabilities, and equity and provides no insight into its targeted market. Therefore, no competitive value of the information has been established and the petition should be denied.

This Commission being otherwise sufficiently advised,

IT IS ORDERED that:

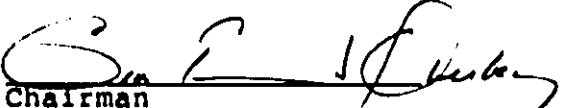
1. The financial information contained in Exhibit III to Teledraft's application for a Certificate of Public Convenience and Necessity, which Teledraft has petitioned be protected as confidential, be and is hereby denied.

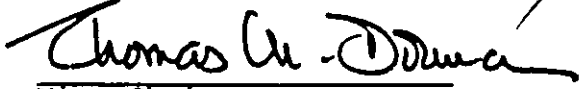
2. The information sought to be protected shall be held and retained by this Commission as confidential for a period of 20 days

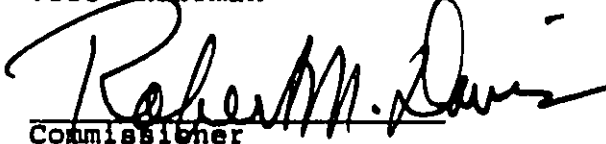
from the date of this Order, at the expiration of which it shall be placed in the public record without further Order of the Commission.

Done at Frankfort, Kentucky, this 1st day of June, 1993.

PUBLIC SERVICE COMMISSION


Chairman


Vice Chairman


Commissioner

ATTEST:


Executive Director